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Promoting the ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Report of the Secretary-General

Summary

The present report has been prepared by the Centre for International Crime Prevention of the United Nations Office on Drugs and Crime in response to General Assembly resolutions 57/168, entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", and 57/173, entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity", of 18 December 2002.

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I. Introduction

1. The General Assembly adopted the United Nations Convention against Transnational Organized Crime (the "Organized Crime Convention"), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the "Trafficking in Persons Protocol") and the Protocol against Smuggling of Migrants by Land, Sea and Air (the "Migrants Protocol"), supplementing the Convention, by its resolution 55/25 of 15 November 2000. By its resolution 55/255 of 31 May 2001, the Assembly adopted the supplementary Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (the "Firearms Protocol").

2. In his report of 2 July 2002, the Secretary-General reported on the progress made by Member States in the ratification of the Convention and the Protocols thereto (A/57/153, paras. 7-14). The Secretary-General recognized the support of donors and noted that the capacity to provide further pre-ratification and implementation assistance would be contingent upon continuing and adequate support from donor countries in the future.

3. In its resolution 57/168 of 18 December 2002, entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", the General Assembly welcomed the fact that a number of States had already ratified the Convention and the Protocols thereto, and reiterated the importance of ensuring their speedy entry into force; and encouraged Member States to support the provision of technical assistance to developing countries and countries with economies in transition to assist them in their efforts to ratify and implement the instruments.

4. In its resolution 57/173 of 18 December 2002, entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity", the General Assembly supported the high priority given to technical cooperation and advisory services in the field of crime prevention and criminal justice, including in the areas of prevention and control of transnational organized crime and terrorism, and stressed the need to enhance the operational activities of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention (now known as the United Nations Office on Drugs and Crime) of the Secretariat to assist Member States, and in particular, developing countries, countries with economies in transition and countries emerging from conflict; urged all States and regional economic organizations that had not yet done so to sign and ratify the Convention and the Protocols thereto as soon as possible; welcomed the contributions already made and encouraged States to make adequate and regular voluntary contributions for the entry into force and implementation of the Convention and the Protocols thereto; and requested the Secretary-General to take all necessary measures and to provide adequate support to the Centre so as to enable it to promote the speedy entry into force of the Convention and the Protocols thereto, including the organization of a treaty event, in cooperation with the Office of Legal Affairs of the Secretariat, in 2003.

II. Promotion of signature and ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

5. Since the adoption of the Organized Crime Convention and its Protocols by the General Assembly, promoting ratification of those instruments and providing assistance to States seeking to ratify them has been a top priority of the Centre for International Crime Prevention.

6. Substantial progress has been made since the previous report was submitted. Before the instruments closed for signature on 12 December 2002, 8 additional States had signed the Convention (bringing the total number of signatures to 147), 17 additional States had signed the Trafficking in Persons Protocol (bringing the total to 117), 16 more had signed the Migrants Protocol (bringing the total to 112), and 31 more had signed the Firearms Protocol (bringing the total to 52). During 2002, a total of 22 States ratified the Convention, 17 States ratified the Trafficking in Persons Protocol, 16 States ratified the Migrants Protocol and 2 the Firearms Protocol. At the time of writing the present report, there were 40 States parties to the Convention, 28 States parties to the Trafficking in Persons Protocol, 27 States parties to the Migrants Protocol and 4 States parties to the Firearms Protocol. Under the terms of the instruments, each will take effect on the ninetieth day after the deposit of the fortieth instrument of ratification. The fortieth instrument of ratification was deposited on 1 July 2003 by Armenia and the Convention will therefore enter into force on 29 September 2003. At the present rate of ratification, the Trafficking in Persons Protocol and the Migrants Protocol are expected to take effect in late 2003 or early 2004. An updated list of ratifications is provided in the annex to the present report.

7. The Organized Crime Convention and its Protocols are the first instruments of global application in their field and their speedy entry into force and subsequent implementation will have a tangible impact on the ability of Member States to cooperate in the fight against transnational organized crime. As many Member States have already expressed their desire to bring the Convention and its Protocols into effect as soon as possible, it is critical to continue to promote the ratification process. The Centre for International Crime Prevention has continued to implement a project to deliver pre-ratification assistance to signatory States upon request. The relevant activities have been supported through voluntary contributions by Canada, France, Italy, Japan, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The project is assisting States in taking specific steps toward ratification of the Convention and its Protocols through: (a) in-depth analysis of existing legislation and relevant institutions in order to identify needs; (b) provision of assistance to legislators and national parliaments in updating and/or adoption of legislation; and (c) assistance to Governments in the establishment and/or reinforcement of international cooperation mechanisms and other non-legislative elements. The project will continue throughout 2003.

A. Legislative guides

8. In order to further assist States seeking to ratify the instruments, the Centre for International Crime Prevention decided to develop a series of legislative guides, the primary and immediate purpose of which is to assist in the ratification process by identifying legislative requirements, issues arising from those requirements and options available to States in developing and drafting the necessary legislation. Ultimately, they may also form one element of a broader package of materials to support further ratification efforts and the ongoing implementation of the instruments once they are in force. The guides themselves do not interpret, analyse or go beyond the scope of the instruments except to the extent necessary to advise States at the ratification or legislative stages. They will not include model legislation, but samples of the legislative provisions adopted by various States are being compiled and annexed as they become available to illustrate the range of approaches taken by States that have already enacted the necessary legislation.

9. The legislative guide to the Convention has been developed in close cooperation and with the support of the International Centre for Criminal Law Reform and Criminal Justice Policy, which is a member of the United Nations Crime Prevention and Criminal Justice Programme network of institutions and is based in Vancouver, Canada. The Government of Canada has supported the Centre in that endeavour. The legislative guides to the Protocols have been developed with assistance from the Governments of France and Italy, which have made generous voluntary contributions for that purpose. Consultants have been engaged to draft the guides, with support and guidance from experts. Three groups of experts have been established to provide advice with respect to the basic structure and content of the guides and to identify relevant legislative and other issues arising from each of the instruments. The groups of experts were established in the manner proposed in the report of the Secretary-General to the Commission on Crime Prevention and Criminal Justice at its eleventh session (E/CN.15/2002/10, para. 21). The development of the legislative guides has entailed the organization of the following events so far:

(a) The group of experts on the legislative guide to the Convention met in Vancouver, Canada, from 8 to 10 April 2002 to consider the intended functions and basic structure of that guide and to develop an outline and overview of the basic issues to be dealt with in it;

(b) Experts on the legislative guide to the Trafficking in Persons Protocol and the Migrants Protocol met in Paris from 18 to 20 November 2002 to develop an outline and overview of the basic issues to be dealt with in the guide to those Protocols;

(c) The group of experts on the legislative guide to the Firearms Protocol met in Courmayeur, Italy, on 6 and 7 December 2002 to develop an outline and overview of the basic issues to be dealt with in the guide to that Protocol;

(d) The expert group on the legislative guide to the Convention held a second meeting in Vancouver on 22 and 23 February 2003 to review the draft of the guide.

10. Based on the comments of experts, further drafting was done by the consultants and the Secretariat and draft texts of the four legislative guides were

circulated to the Commission on Crime Prevention and Criminal Justice at its twelfth session, held in Vienna from 13 to 22 May 2003, and delegations were asked to provide comments by mid-August 2003.

11. Taking into account the comments received, the texts are expected to be finalized by the experts and the Secretariat in the third quarter of 2003. The Government of Monaco has offered to host a final meeting of the three groups of experts for that purpose. Subject to the availability of resources, the legislative guides will then be translated into the official languages of the United Nations and made available to Member States electronically and in document form.

12. From 6 to 8 December 2002, the Centre also organized an expert group meeting on extradition and mutual legal assistance, hosted by the International Association of Penal Law, the International Institute of Higher Studies in Criminal Sciences and the Monitoring Centre on Organized Crime in Syracusa, Italy. The meeting, which included participants from both governmental and non-governmental organizations, revised and updated the manuals on the Model Treaty on Extradition (General Assembly resolution 45/116, annex) and the Model Treaty on Mutual Assistance in Criminal Matters (resolution 45/117, annex). The revised manuals were made available as conference room papers during the twelfth session of the Commission on Crime Prevention and Criminal Justice in order to allow Member States to provide their comments.

B. Interregional, regional and subregional meetings

13. Since 2002, four regional and two subregional meetings have been held on ratification and implementation issues. In addition, representatives of the Centre for International Crime Prevention have participated in numerous regional or subregional meetings held by other organizations to provide information about the Organized Crime Convention and its Protocols. The meetings provided a forum for States to review progress in the ratification process and to exchange views and experience. Recommendations or declarations resulting from the meetings urged States that had not done so to sign the Convention and its Protocols and to undertake all necessary efforts to ensure their ratification. The meetings were conducted on the basis of a series of presentations and other materials developed by the Centre. Specific meetings organized or assisted by the Centre have included the following:

(a) The Central Asian Conference on Judicial Cooperation in the Framework of the United Nations Convention against Traffic in Narcotic Drugs and Psychotropic Substances and the United Nations Convention against Transnational Organized Crime was held from 28 February to 8 March 2002 in Almaty and was attended by experts from the five Central Asian States, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, as well as experts from Armenia, Azerbaijan, China, France, Georgia, Greece, Hungary, Italy, Poland, the Russian Federation, Spain, the United Kingdom and the United States, as well as by representatives of a number of international organizations. One of the objectives of the Conference was to advise the Governments of the Central Asian States on various issues relating to the ratification of the Organized Crime Convention and its Protocols through a discussion of both legal and practical issues;

(b) High-level officials of Argentina, Bolivia, Brazil, Chile, Colombia, the Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Paraguay, Trinidad and Tobago, Uruguay and Venezuela participated in the Regional Ministerial Seminar on the United Nations Convention against Transnational Organized Crime and its Protocols, held in Quito from 25 to 27 March 2002. In the Final Declaration of the Ministerial Seminar, the participating States recognized the need to enact national legislation in accordance with the Convention and its Protocols and exhorted the Latin American Parliament, the Andean Parliament and the Central American Parliament to urge their members to support the signature of the Convention and its Protocols, in their respective States, in conformity with their constitutional provisions;

(c) A regional ministerial seminar for States of Central and Eastern Europe was held in Vilnius on 4 and 5 June 2002, attended by representatives of Albania, Armenia, Belarus, Bulgaria, Croatia, Estonia, Georgia, Latvia, Lithuania, Poland, the Republic of Moldova, Romania, Slovakia, the former Yugoslav Republic of Macedonia and Ukraine. In the resulting Vilnius Declaration on the Ratification of the United Nations Convention against Transnational Organized Crime and its Protocols, the participating States recognized the importance of reviewing and improving national legislation against transnational organized crime and undertook to review progress in the ratification and early implementation of those instruments in six months and to provide relevant information to the Centre for International Crime Prevention;

(d) A Regional Training Seminar for the Asian and Pacific Region was held in Osaka, Japan, on 22 and 23 August 2002, in cooperation with the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders. It was attended by representatives of Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Fiji, Indonesia, Japan, the Lao People's Democratic Republic, Malaysia, Mongolia, Myanmar, Nauru, Nepal, Papua New Guinea, the Philippines, the Republic of Korea, Singapore, Sri Lanka and Thailand. The Seminar suggested that, as a part of the ratification and implementation process, States should identify areas where legislative and organizational changes were needed through a multisectoral approach involving all relevant agencies and institutions. Another recommendation stated that the domestic law in many States appeared to a large extent to be in conformity with the Convention. It noted that careful study was needed to verify whether existing laws could be interpreted in a manner consistent with the Convention or whether amendments would be needed and whether existing practices might require revision or adjustment. In that regard, it referred to the availability of advisory assistance from the Centre for International Crime Prevention;

(e) A ministerial conference for the African region was held in Algiers on 29 and 30 October 2002. The seminar brought together ministers of justice and high-level government officials from Africa, including from Algeria, Angola, Benin, Burkina Faso, Burundi, Cameroon, Chad, the Comoros, the Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, the Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Nigeria, the Niger, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Somalia, South Africa, the Sudan, Togo, Tunisia, Uganda, the United Republic of Tanzania, Zambia and

Zimbabwe. In the concluding Algiers Declaration (A/57/599, annex), the above-mentioned representatives called upon the African States to integrate the fight against transnational organized crime into the implementation of the global strategy of the New Partnership for Africa's Development (see A/56/457, annex I, AHG/Decl.1 (XXXVII)); and urged donor countries and relevant international and regional organizations to enhance technical, financial and material assistance to support the efforts of States of the region to ratify and implement the Convention and its Protocols, through substantial regular voluntary contributions to the special account established under the United Nations Crime Prevention and Criminal Justice Fund;

(f) A subregional seminar on the ratification and implementation of the Organized Crime Convention and its Protocols was hosted in Kopaonik by the Government of Serbia and Montenegro from 22 to 24 May 2003. The seminar included 90 participants from five South-East European countries: Albania, Bosnia and Herzegovina, Romania, Serbia and Montenegro and the former Yugoslav Republic of Macedonia. International experts from Italy, Germany and the United States and from the Southeast European Cooperative Initiative also participated in the seminar. The principal aim was to enable criminal justice practitioners to better respond to transnational organized crime challenges by focusing on the elements developed in the Convention and its Protocols. In addition, judges, prosecutors and police officials from participating countries engaged in a dialogue with their counterparts from Serbia and Montenegro, analysing best practices in the fight against organized crime in order to gain more knowledge and to exchange experience.

14. Members of the Secretariat also made presentations to promote ratification of the Convention and its Protocols at meetings organized by or in cooperation with other entities. A lecture on the role of the United Nations Crime Prevention and Criminal Justice Programme in facing global threats such as transnational organized crime, corruption and terrorism, was delivered by the Director of the Centre for International Crime Prevention at the inauguration ceremony of the Osaka Branch of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders in February 2002. A meeting of Central Asian countries on trafficking in small arms and light weapons, organized by the Organization for Security and Co-operation in Europe in Almaty in February and May 2002, included a segment devoted to the ratification and implementation of the Firearms Protocol. The Centre participated in the discussions on the draft manual for investigators at the third meeting of the Interpol Working Group on trafficking in women, held from 6 to 8 March 2002 in Lyon, France. From 27 to 30 August 2002, the Centre participated in a panel on the implementation of the Convention as part of the programme of the Oxford Conference on the Changing Face of International Cooperation in Criminal Matters in the 21st Century, organized by the Commonwealth Secretariat in Oxford, United Kingdom. A presentation on links between transnational organized crime and terrorism was made to the annual meeting of the International Association of Prosecutors, held in London from 8 to 12 September 2002. Together with the International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme, the Centre organized the International Conference on Trafficking: Networks and Logistics of Transnational Crime and International Terrorism in Courmayeur, Italy, from 6 to 8 December 2002. Over 100 experts on organized

crime, terrorism and various forms of trafficking attended the conference. In May 2003, the Executive Director of the United Nations Office on Drugs and Crime addressed the eleventh meeting of the Economic Forum of the Organization for Security and Co-operation in Europe, held in Prague, touching on various issues relevant to the implementation of the Convention and its Protocols, in particular trafficking in human beings and in firearms.

C. Provision of assistance

15. As States proceeded with ratification efforts, the focus of seminars and technical assistance efforts shifted in 2002, from general reviews of the Convention towards more narrowly defined legislative and administrative issues. More seminars were held with individual States to examine draft legislation or issues of specific concern to them. To make the best possible use of resources, a number of such assistance missions or seminars dealt jointly with the Convention and other matters, including ratification of legal instruments relating to terrorism. The substantive issues most commonly raised included issues relating to the obligation to criminalize participation in an organized criminal group, the obligation to extradite or prosecute offenders, the liability of legal persons, jurisdictional issues and the Protocol obligation to criminalize trafficking in persons.[1] Participants in the meetings included government ministers and policy makers, officials responsible for producing implementing legislation and law enforcement and other officials who would be responsible for implementing the instruments once they were ratified and in force.

16. During 2002, technical cooperation efforts were undertaken in response to requests for such assistance from a number of States, although responses were limited in some cases by the availability of personnel or resources. Assistance on legislative and other issues relating to ratification of the Convention was provided to Romania in Bucharest from 8 to 11 January and on 5 and 6 November; to Bolivia in La Paz from 7 to 10 May; to China in Beijing from 11 to 18 May; to Guinea-Bissau in Bissau from 25 May to 2 June and on 18 and 19 November; to the former Yugoslav Republic of Macedonia in Skopje on 11 and 12 June and on 2 and 3 October; to Mali in Bamako from 16 to 20 October; to Cape Verde in Praia from 11 to 17 November; to Nigeria in Abuja from 25 to 30 November; and to Haiti in Port-au-Prince from 16 to 18 December. A comprehensive written analysis of draft legislation on trafficking in persons was also provided to the Government of Cambodia.

17. In 2003, the Centre continued providing similar technical assistance relating to the Convention and its Protocols to Member States upon request. From 28 to 31 January, an expert from the Centre attended a three-day meeting in the Russian Federation of an ad hoc working group established by the State Duma to prepare draft legislation to control trafficking in persons and to support early ratification of the Trafficking in Persons Protocol. From 18 to 20 February, the same expert appeared before the legislative committee of the State Duma as an expert witness. A pre-ratification seminar, held in Jakarta from 26 to 28 February, brought together experts from various countries, namely, Australia, Japan and Spain, in addition to those from Indonesia and the Centre for International Crime Prevention. Participants outlined the advantages of the Convention in fighting organized crime

and public sector corruption and discussed the various options open to the Government of Indonesia in that regard. During a seminar held in Kyiv from 11 to 13 June, particular attention was paid to the provisions of the Convention relating to corruption and to the Trafficking in Persons Protocol, as well as to enhancing international cooperation. Experts from Germany, Italy, Poland, the Russian Federation, Spain and the United States and the Southeast European Cooperative Initiative participated in the two-day pre-ratification seminar. A national seminar on the implementation of the Convention and its Protocols was also held in Minsk on 16 and 17 June. In addition to the legislative implementation of the Convention and its Protocols, other topics considered at the seminar included international judicial assistance in criminal matters, smuggling of migrants and border control relating to transnational organized crime.

18. To use limited financial and human resources as efficiently as possible, several workshops held during 2003 dealt jointly with the ratification and legislative incorporation of universal instruments against terrorism and transnational organized crime. Such assistance was provided to Angola in Luanda from 24 January to 2 February; to Mauritius in Port Louis from 5 to 12 February; to the Niger in Niamey from 17 to 22 February; to Mozambique in Maputo from 25 February to 2 March; to Haiti in Port-au-Prince from 9 to 13 March; to Romania in Bucharest from 19 to 21 March; to the Democratic Republic of the Congo in Kinshasa from 31 March to 3 April; to Mali in Bamako from 13 to 16 April; to Benin in Cotonou from 21 to 25 April; to Sao Tome and Principe in Sao Tome from 26 April to 4 May; to Burkina Faso in Ouagadougou from 28 April to 2 May; to Madagascar in Antananarivo from 1 to 5 June; to Burundi in Bujumbura from 2 to 7 June; and to Slovakia in Bratislava on 23 and 24 June. The technical assistance mission to Madagascar was undertaken in cooperation with the International Monetary Fund, whose expert contributed to the drafting of legislation dealing with the problem of money-laundering.

19. The Centre has also received and is in various stages of responding to requests from several States, including Bolivia, Bosnia and Herzegovina, Chile, Croatia, Ecuador, the Gambia, Guinea, Hungary, Jordan, Namibia, Nauru, Rwanda, Thailand, Uruguay and Venezuela.

III. Twelfth session of the Commission on Crime Prevention and Criminal Justice

20. On 15 and 16 May 2003, the Commission on Crime Prevention and Criminal Justice considered international cooperation in combating transnational organized crime. During the discussion, satisfaction was expressed with the progress made towards ratification and implementation of the Organized Crime Convention and its Protocols and welcomed the efforts of the Secretariat relating to the provision of technical assistance on the promotion of the ratification of the Convention. Some speakers reported that their countries had developed comprehensive plans of action against organized crime and had implemented corresponding legislative measures aimed at improving international cooperation. Bearing in mind the close connection between transnational organized crime and terrorism, many speakers supported the combining of technical assistance activities on implementation of the universal instruments against terrorism and of the Organized Crime Convention and its

Protocols. It was also emphasized that the promotion of the ratification of the latter Convention should remain the highest priority of the Centre for International Crime Prevention.

21. At the conclusion of its discussion, the Commission recommended to the Economic and Social Council the approval of a draft resolution for adoption by the General Assembly entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto".[2]

IV. Treaty event

22. In its resolutions 55/25, 56/120 of 19 December 2001, 57/168 and 57/173, the General Assembly called upon the Secretary-General to support and assist the efforts of States to ratify and implement the Organized Crime Convention and its Protocols. In its resolution 57/173, the Assembly requested the Secretary-General to organize a treaty event, in cooperation with the Office of Legal Affairs of the Secretariat. In preparation for the 2003 treaty event on the theme "United Nations treaties against organized crime and terrorism", several organizational actions have been undertaken, in close collaboration with the Office of Legal Affairs of the Secretariat. It is expected that the treaty event will encourage the ratification of 15 United Nations instruments in the field of transnational organized crime, terrorism, trafficking in illicit drugs and in persons and human rights. The treaty event will be held from 23 to 26 September 2003 at United Nations Headquarters.

23. On 13 November 2002, the Centre for International Crime Prevention made a presentation on the negotiation of the Organized Crime Convention and its Protocols during a seminar organized jointly by the Treaty Section of the Office of Legal Affairs of the Secretariat and the United Nations Institute for Training and Research in New York. The objective of the seminar was to increase the awareness of Member States regarding the deposit of treaty instruments and the registration of treaties.

24. In preparation for the treaty event, two meetings have been arranged. Firstly, a panel discussion on the international rule of law: multilateral treaties against transnational organized crime and terrorism is scheduled to take place on 8 July 2003 at United Nations Headquarters, aimed at increasing awareness among Member States of issues connected with the international legal instruments on transnational organized crime and terrorism. Four panellists are scheduled to speak about the Organized Crime Convention and its Protocols as well as on the four United Nations conventions against terrorism. As a follow-up to the panel, the United Nations Office on Drugs and Crime was also asked to organize a technical briefing for the representatives of permanent missions to the United Nations, to be held in New York on 9 July 2003. The purpose of the briefing is to provide a more detailed analysis of the Organized Crime Convention and its Protocols and a review of progress achieved so far in the negotiation of the future United Nations Convention against Corruption. Secondly, the other meeting, a ministerial seminar for the member States of la Francophonie, organized in close cooperation with the

Government of Egypt and the Intergovernmental Agency of la Francophonie, is scheduled to take place in Cairo from 2 to 4 September 2003.

25. In order to raise the awareness of Member States and the general public of issues relating to the legal instruments covered by the treaty event, with the support of the Centre for International Crime Prevention, the Office of Legal Affairs of the Secretariat has published a booklet entitled "Focus 2003: Treaties against transnational organized crime and terrorism", which summarizes the objectives and key provisions of the various treaties.

26. On 2 April 2003, Member States were invited to reaffirm their commitment to the fight against transnational organized crime and terrorism by ratifying or acceding to the United Nations treaties during the treaty event. In two separate notes verbales sent in June 2003, the representatives of the permanent missions to the United Nations in New York and in Vienna were invited to participate in the treaty event panel of 8 July and the treaty event itself.

V. Conclusion

27. The intensification of pre-ratification activities in 2002 and 2003 has produced considerable results. **Having received the necessary fortieth ratification on 1 July 2003, the Organized Crime Convention will enter into force on 29 September 2003.** Two of the Protocols are expected to come into force in the near future. The opportunity that will be offered to States with the organization of the treaty event is expected to generate more ratifications, thus increasing the numbers of States parties beyond those needed for entry of the instruments into force. Article 32 of the Convention requires that the Conference of the Parties be convened no later than one year following the entry into force of the Convention and the same requirement applies to each Protocol, mutatis mutandis. As required by the General Assembly in its resolution 55/25, the first meeting of the Conference of the Parties will be preceded by a meeting of the Ad Hoc Committee, established by the Assembly in its resolution 53/111 of 9 December 1998 in order to negotiate the Convention and its Protocols, for the purpose of preparing draft rules of procedure for consideration and adoption by the Conference.

28. The desire to participate fully in the Conferences of the Parties to the instruments is expected to serve as an additional incentive for those Member States which have not yet ratified or acceded to them to do so before the inaugural meetings are held, further increasing the number of States parties during the coming year. **In its capacity as the Secretariat for the Conference of the Parties to the Convention and its Protocols, the Centre for International Crime Prevention will be required to undertake all the activities needed to organize the inaugural sessions of the Conference. Additionally, the Centre may be called upon by the Conference to develop a guide aimed at assisting States parties in discharging their reporting obligations to the Conference.**

29. **During the coming year, the Centre intends to continue and intensify its activities to promote ratification and implementation of the Convention and its Protocols. As in the past, where possible, technical assistance related to the instruments will be rendered in combination with assistance in other matters, including ratification of or accession to the 12 counter-terrorism treaties.** It is

expected that the focus of requests for technical assistance will shift from ratification towards capacity-building for implementation of the Convention and its Protocols and will fall under the guidance of the Conference of the Parties once it is convened. In States where the necessary legislation is in place, the objectives of assistance are expected to shift towards areas such as the development or enhancement of infrastructure mechanisms, the training of personnel and the building of operational capacity within criminal justice agencies.

30. **Member States have consistently offered strong support to the Centre for the ratification and implementation of the Convention and its Protocols. Further efforts will depend not only on the political will of States to bring their laws and regulatory regimes in line with the provisions of the instruments, but also on States' continuing support for the provision of technical assistance to developing countries and countries with economies in transition to enable them to meet their obligations under the instruments and to take strong and effective measures to prevent and combat transnational organized crime.**

Notes

[1] See Organized Crime Convention, articles 5, 16, paragraph 10, 10 and 15; and Trafficking in Persons Protocol, articles 3, subparagraph (a), and 5.

[2] See *Official Records of the Economic and Social Council, 2003, Supplement No. 10* (E/2003/30), chap. I, sect. A, draft resolution II.

Annex

Status of ratifications of the United Nations Convention against Transnational Organized Crime and the Protocols thereto as at 2 July 2003

A. Summary of signatures and ratifications

International instrument	*Signatures*	*Ratifications*
United Nations Convention against Transnational Organized Crime	147	40
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	117	28
Protocol against the Smuggling of Migrants by Land, Sea and Air	112	27
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition	52	4

B. Ratification of the United Nations Convention against Transnational Organized Crime

State	*Date of ratification*
1. Monaco	5 June 2001
2. Nigeria	28 June 2001
3. Serbia and Montenegro[a]	6 September 2001
4. Poland	12 November 2001
5. Bulgaria	5 December 2001
6. Latvia	7 December 2001
7. Peru	23 January 2002
8. Spain	1 March 2002
9. Mali	12 April 2002
10. Bosnia and Herzegovina	24 April 2002
11. Lithuania	9 May 2002
12. Canada	13 May 2002
13. Venezuela	13 May 2002
14. Burkina Faso	15 May 2002
15. Philippines	28 May 2002
16. Tajikistan	8 July 2002
17. New Zealand	19 July 2002
18. Antigua and Barbuda	24 July 2002
19. Namibia	16 August 2002
20. Albania	21 August 2002
21. Botswana	29 August 2002
22. Nicaragua	9 September 2002
23. Ecuador	17 September 2002
24. Morocco	19 September 2002
25. Algeria	7 October 2002
26. France	29 October 2002

State	*Date of ratification*
27. Argentina	19 November 2002
28. Romania	4 December 2002
29. Croatia	24 January 2003
30. Equatorial Guinea	7 February 2003
31. Estonia	10 February 2003
32. Mexico	4 March 2003
33. Turkey	25 March 2003
34. Mauritius	21 April 2003
35. Cyprus	22 April 2003
36. Seychelles	22 April 2003
37. Gambia	5 May 2003
38. Tunisia	19 June 2003
39. Belarus	25 June 2003
40. Armenia	1 July 2003

[a] On 4 February 2003, the Federal Republic of Yugoslavia changed its name to Serbia and Montenegro.

C. Ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

State	*Date of ratification*
1. Monaco	5 June 2001
2. Nigeria	28 June 2001
3. Serbia and Montenegro[a]	6 September 2001
4. Bulgaria	5 December 2001
5. Peru	23 January 2002
6. Spain	1 March 2002
7. Mali	12 April 2002
8. Bosnia and Herzegovina	24 April 2002
9. Canada	13 May 2002
10. Venezuela	13 May 2002
11. Burkina Faso	15 May 2002
12. Philippines	28 May 2002
13. Tajikistan	8 July 2002
14. New Zealand	19 July 2002
15. Namibia	16 August 2002
16. Albania	21 August 2002
17. Botswana	29 August 2002
18. Ecuador	17 September 2002
19. France	29 October 2002
20. Argentina	19 November 2002
21. Romania	4 December 2002

State	*Date of ratification*
22. Croatia	24 January 2003
23. Equatorial Guinea	7 February 2003
24. Mexico	4 March 2003
25. Turkey	25 March 2003
26. Gambia	5 May 2003
27. Lithuania	23 June 2003
28. Belarus	25 June 2003

[a] On 4 February 2003, the Federal Republic of Yugoslavia changed its name to Serbia and Montenegro.

D. Ratification of the Protocol against the Smuggling of Migrants by Land, Sea and Air

State	*Date of ratification*
1. Monaco	5 June 2001
2. Serbia and Montenegro[a]	6 September 2001
3. Nigeria	27 September 2001
4. Bulgaria	5 December 2001
5. Peru	23 January 2002
6. Spain	1 March 2002
7. Mali	12 April 2002
8. Bosnia and Herzegovina	24 April 2002
9. Canada	13 May 2002
10. Burkina Faso	15 May 2002
11. Philippines	28 May 2002
12. Tajikistan	8 July 2002
13. New Zealand	19 July 2002
14. Namibia	16 August 2002
15. Albania	21 August 2002
16. Botswana	29 August 2002
17. Ecuador	17 September 2002
18. France	29 October 2002
19. Argentina	19 November 2002
20. Romania	4 December 2002
21. Croatia	24 January 2003
22. Mexico	4 March 2003
23. Turkey	25 March 2003
24. Latvia	23 April 2003
25. Gambia	5 May 2003
26. Lithuania	12 May 2003
27. Belarus	25 June 2003

[a] On February 2003, the Federal Republic of Yugoslavia changed its name to Serbia and Montenegro.

E. Ratification of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition

State	*Date of ratification*
1. Mali	3 May 2002
2. Burkina Faso	15 May 2002
3. Bulgaria	6 August 2002
4. Mexico	10 April 2003